

Decision 16-06-034 June 16, 2016

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joint Application of IPC Systems, Inc., IPC Network Services, Inc., (U7266C), and Etrali North America, LLC For Approval, as Necessary, for the Indirect Transfer of Control of Etrali North America, LLC Pursuant to Public Utilities Code Section 854(a).

Application 16-04-011
(Filed April 13, 2016)

ORDER DISMISSING APPLICATION

Summary

Application 16-04-011 is dismissed pursuant to Public Utilities Code Section 308 and Resolution A-4638.

1. Background

Application (A.) 16-04-011 was filed on April 13, 2016, by IPC Systems, Inc. ("IPC Systems"), IPC Network Services, Inc. (U-7266-C) ("IPC Network"), and Etrali North America, LLC (Etrali) (together, "Applicants"). The application requests retroactive authority under Public Utilities Code Section 854(a) for IPC Systems to obtain indirect control of Etrali. IPC Systems obtained indirect control of Etrali in a transaction consummated on January 26, 2016.¹

There were no protests or responses to A.16-04-011.

Etrali is not currently authorized to provide public utility service in California. On April 11, 2016, Etrali filed a separate application, A.16-04-008, wherein Etrali requests a registration license to provide resold interexchange

¹ A.16-04-011 at unnumbered page 7.

service in California. A.16-04-008 is pending as of the date of today's decision.

On May 27, 2016, the assigned Administrative Law Judge (ALJ) for A.16-04-011 issued a ruling which noted that A.16-04-008, at Exhibit 4, states that Etrali is owned by IPC Systems. The ruling posited that if A.16-04-008 is granted, Etrali would have authority going forward to provide resold interexchange service in California as a subsidiary of IPC Systems. This would have the effect of making A.16-04-011 moot to the extent that A.16-04-011 requests prospective authority for IPC Systems to obtain indirect control of Etrali.

The ALJ ruling directed the Applicants to choose one of the following options as the next step for A.16-04-011:

1. File a motion to dismiss A.16-04-011 pursuant to Public Utilities Code Section (Pub. Util. Code §) 308² and Resolution A-4638³; or
2. File a response that provides significant additional information regarding the transfer of control of Etrali.

The Applicants chose the first option. On June 6, 2016, the Applicants filed a motion to dismiss A.16-04-011 pursuant to Pub. Util. Code § 308 and Resolution A-4638.

2. Discussion

Upon the motion of the Applicants, the only parties in this proceeding, A.16-04-011 is dismissed pursuant to Pub. Util. Code § 308 and Resolution A-4638.

² Pub. Util. Code § 308 states in relevant part: "The president [of the commission] may authorize the executive director to dismiss complaints or applications when all parties are in agreement thereto, in accordance with rules that the commission may prescribe."

³ Resolution A-4638, dated January 11, 1977, authorizes the Commission's Executive Director pursuant to Pub. Util. Code § 308 to sign, on behalf of the Commission, orders dismissing applications when all parties agree to the dismissal.

IT IS ORDERED that Application 16-04-011 is dismissed pursuant to Public Utilities Code Section 308 and Resolution A-4638. This proceeding is closed.

Dated June 16, 2016, at San Francisco, California.

/s/ TIMOTHY J. SULLIVAN
TIMOTHY J. SULLIVAN
Executive Director